

RA 979



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AUG 29 1997

State of Texas Opinion Committee  
House of Representatives

RON LEWIS  
STATE REPRESENTATIVE  
P.O. BOX 2910  
AUSTIN, TEXAS 78768-2910  
512-463-0612

COMMITTEES:  
CHAIRMAN  
COUNTY AFFAIRS  
MEMBER  
NATURAL RESOURCES  
MEMBER  
LEGISLATIVE COUNCIL

August 28, 1997

FILE # ML-39740-97

I.D. # 39740

Mrs. Sarah Shirley  
Chair, Opinions Division  
P.O. Box 12548  
Austin, Texas 78711-2548

Dear Mrs. Shirley:

I would like to request an opinion on HB 2179 concerning the amendment involving the exemption provided for labor paid for by the day as the work progresses. I have enclosed copies of the parties interested and their questions. If you need any further information please contact Michael Burlison in my Capitol office.

Sincerely,

Ron Lewis

RL/mb

8/25/97

The Honorable Ron Lewis  
P. O. Box 119  
Mauriceville, Texas 77626

Fax 1 409-745-4545

Re: HB 2179

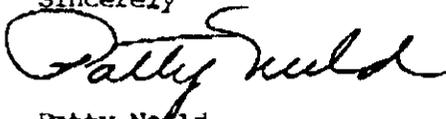
Dear Representative Lewis

As September 1 approaches, there seems to be different opinions concerning the application of HB 2179. The Jefferson County Assistant District Attorney, Tom Rugg has rendered an opinion to the new Jefferson County Engineer, Roy Rodriguez, stating that work by the day exemptions granted before September 1, are prior contracts which will not be subject to the limitations of HB 2179. (See Attached)

It is our opinion that work by the day is by definition limited to work performed each day. Thus, work that begins September 1 is a contract for that day only and must be contracted and billed for each day as needed.

The provisions found in HB 2179 limit such work to 20 calendar days in any 90 day period. Therefore, it is our opinion that effective September 1 any exemption granted for work by the day that exceeds an accumulated 20 days in any 90 day period violates the law. We do not think the <sup>exemptions</sup> granted by Jefferson County Commissioners Court, August 11, constitute a prior contract valid for one year and exempt from HB 2179. (See Attached)

Sincerely



Patty Neild

Aug-26-97 12:42P

AUG 25 1997 17:31 NEILD CONST/DEV CORP/JUNTY MURKIN.

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P.02



**TOM MANESS**  
CRIMINAL DISTRICT ATTORNEY  
JEFFERSON COUNTY  
P. O. BOX 2853  
BEAUMONT, TEXAS 77704  
(409) 835-8550  
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**PAUL R. McWILLIAMS**  
First Assistant  
Criminal Division

**TOM RUGG**  
First Assistant  
Civil Division

July 10, 1997

Mr. Roel "Roy" Rodriguez, P.E.  
County Engineer  
(Courthouse Mail)

Re: Purchasing Act Exemption  
Labor paid for by the day

Dear Roy:

Mr. Bob Shaw by letter dated July 3, 1997 has asked for an opinion concerning the amendment in the Purchasing Act concerning the exemption provided for labor paid for by the day as the work progresses. As you know this exemption has been used for some of the labor provided to the administrative segregation units at the Jefferson County Correctional Facility.

Effective September 1, 1997, this provision has been amended to restrict the exemption to no more than 20 days in any 90 day period. This provision will not apply to any contracts awarded under the exemption prior to September 1, 1997. Those contracts which do not extend for the life of the project (primarily for budgetary reasons) if renewed prior to the effective date of the statutory change will not be subject to the limitation.

If you have any additional questions concerning this matter please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas F. Rugg".

Thomas F. Rugg